

MINUTES OF THE SPECIAL MEETING
OF THE COMMISSION OF FINE ARTS ON
SEPTEMBER 8, 1960
10:00 A. M.

The Commission met pursuant to notice, in executive session, at 10:00 a.m. with David E. Finley, Chairman, presiding.

Present were: David E. Finley, Chairman
Douglas W. Orr
Michael Rapuano
Ralph W. Walker
Wallace K. Harrison, a former member sitting in the
place of William G. Perry

Proposed United States Court Building on Madison Place, N.W. - East Side of Lafayette Square

The meeting was called for the purpose of considering preliminary plans for the erection of a building to house the Court of Claims, Court of Customs and Patent Appeals and the Tax Court in Square 221 on the east side of Lafayette Square in the city of Washington, District of Columbia.

Mr. Wallace K. Harrison, a former member of the Commission, had been invited and was present to sit in the place of Mr. William G. Perry, whose firm, Perry, Shaw, Hepburn and Dean, has been employed by the General Services Administration as one of the two architectural firms to design the buildings to be on Lafayette Square.

The meeting was called by the Chairman as a result of an informal meeting held in the offices of the National Capital Planning Commission on August 8, 1960. At that meeting, which was attended by the Secretary of the Commission of Fine Arts, representatives of the General Services Administration and representatives of the two architectural firms employed by the General Services Administration to design the court building, it was explained that the President had directed the General Services Administration to consult with the National Capital Planning Commission and the Commission of Fine Arts before any decisions were made about locating two or three courts in a new building on the east side of Lafayette Square. In order to facilitate this directive, it was determined that a special joint meeting of the two Commissions should be called as soon as possible so that a discussion of the project could be had. It was further determined by the Chairman of the Commission of Fine Arts that the Commission should have an executive session in the morning, and then meet jointly with the National Capital Planning Commission in the afternoon. The Administrator of the General Services Administration, Mr. Franklin Floete, and representatives of the two architectural firms employed to design the court building indicated that they wished to attend the meeting.

Mr. Floete reviewed the legislative history of the project to the members. He stated that four or five years ago the idea was proposed to construct an Executive Office building on the west side of Lafayette Square near the Decatur House and Blair House on Jackson Place. Approval to build the building was not secured and the Lease-Purchase Act expired in 1958. Subsequently, the General Services Administration resubmitted plans for a project to be known as Building No. 7, to be located on the west side of Lafayette Square, which was approved by Congress, provided the Court of Claims was located on Lafayette Square. Subsequently a design was submitted, which was rejected by officials of the Bureau of the Budget and the White House Staff because of the limited amount of space provided, and the General Services Administration was asked to restudy the project. To provide for more space the General Services Administration proposed in March, 1960, that the court house building be located on the east side of Lafayette Square, which is presently occupied by the Treasury Annex building, the Belasco Theater building and the Tayloe House. Then the United States Court of Customs and Patent Appeals and the Tax Court of the United States asked that they be included in the building.

In the Spring of 1960 various bills were introduced in Congress to preserve the Dolly Madison House, the Tayloe House and the Belasco Theater. The Senate Committee on Public Works held a public hearing at which the proponents of preservation of those buildings appeared. The General Services Administration submitted alternative sites for the three court buildings. Finally, Congress passed a resolution on June 23, 1960 which provided:

"....that pursuant to Provisions of Section 17 of Public Law 249, 86th Congress, the project for use of the United States Court of Claims, United States Court of Customs and Patent Appeals and the Tax Court of the United States, Washington, D.C. dated May 16, 1960, and by this reference made a part, is hereby approved subject to General Services Administration approval after advising and consulting with the National Capital Planning Commission and the Commission of Fine Arts as to siting, size, mass and esthetics of the project, to assure conformity with the plans for the development of Lafayette Square area, finding it feasible to construct a building on the site on the southeast corner of Madison Place and H Street, Northwest, with sufficient space to accomodate the aforesaid three courts.

"In the event this is found not to be feasible in the opinion of General Services Administration, the project for use of the United States Court of Claims and the Court of Customs and Patent Appeals, a description of which is also attached hereto, dated March 30, 1960, and by this reference made a part hereof, is hereby approved, and the approval given to the project described

in the attached document dated May 16, 1960 is rescinded."

Mr. Floete then read a letter which he had received from President Eisenhower dated July 25, 1960:

"The Congress has recently enacted, and I have approved, an Appropriations Act which provides for the design and construction of several federal buildings throughout the United States. I have a particular interest in the design of two of these buildings which are to be located on Lafayette Square near the White House. One of these buildings is to house certain court facilities on the east side of the Square, and the other is to provide additional space for the Executive Office of the President on the west side of the Square.

"It is extremely important that the architectural plans for these buildings be carried out with the greatest of thought and with attention to the present and future dignity and beauty of Lafayette Square, and its historic past. Because this is a splendid opportunity to revive the historical and architectural significance of this Square, I earnestly request that all preliminary plans and thinking in connection with these buildings be developed in close consultation with the National Capital Planning Commission and the Commission of Fine Arts.

"It would be also advisable that whomever the architect may be, he will approach the planning not only with his attention and inspiration fixed upon the dignity and simplicity of some of the older buildings - the White House, St. John's Church, the Treasury and Decatur House - but also taking into account the planning for the west side of the Square as it develops.

"We should use this opportunity to leave Lafayette Square for posterity as an architectural symbol of the simplicity, beauty and clean lines traditional to the American style.

"Funds for the construction of a building for the courts on the east side of the Square are appropriated for the Fiscal Year 1961, and I understand that it will be possible to develop plans for Federal Office Building No. 7 in sufficient time to permit construction funds to be included in the 1962 Budget.

"I am sending a copy of this letter to the Chairman of the National Capital Planning Commission and to the Chairman of the Commission of Fine Arts."

Mr. Floete stated that the General Services Administration had the necessary funds available to erect a two-court building on a site

on the east side of Lafayette Square; that the present plan was to erect a building on the west side of the Square to house executive offices for the Bureau of the Budget, the Office of Defense Mobilization and various other offices; that a Presidential Office Building was planned for the immediate office of the President which would require the removal of the Old State-War-Navy building adjoining the White House grounds at 17th Street and Pennsylvania Avenues, and that Lafayette Square would then become a Presidential Park.

Mr. Floete explained that the purpose of his presence before the Commission was to secure the Commission's opinion on whether or not a three-court building on the proposed site, the east side of Lafayette Square, was feasible. He stated that if a three-court building was not feasible, the General Services Administration was authorized to proceed with plans for a two-court building.

Mr. Henry R. Shepley, of the architectural firm of Shepley, Bulfinch, Richardson and Abbott, which had been employed to design the building, together with the firm of Perry, Shaw, Hepburn and Dean, explained to the members the results of a feasibility study his firm had done of the three-court structure on the particular site.

He said that his firm had concluded that if the 80 foot height of the cornice line of the Treasury Annex building was adhered to, that cornice line could be continued around and up Madison Place and around H Street; that there was no room for an intervening court yard or green space between the existing Treasury Annex and the proposed two or three court building, and that, therefore, there was a possibility of a clash between two unrelated types of architecture. He suggested two methods of avoiding this; one, to continue the style of architecture of the Treasury Annex building as one building from Pennsylvania Avenue along Madison Place to H Street, which was the original plan of Cass Gilbert, the architect of the Treasury Annex building; or, to reface the Treasury Annex to correspond with the new building.

Mr. Shepley stated that his firm had received an estimate of a million and a half dollars as the cost of resurfacing the Treasury Annex in limestone, and that on the basis of this, his firm had reported that the three courts would be feasible if the architects could treat the entire east side of the Square and around the corner at H Street in one unified new piece of architecture. Under this plan the Treasury Annex would continue to function as a Treasury Annex and would be merely refaced. It was explained that changing the west face of the Treasury Annex would also require changing its south face on Pennsylvania Avenue.

Mr. Shepley also said the architects would prefer the two court scheme because a three court scheme would be crowded; and inevitably more space would be required, which might necessitate going into the basement of the building.

Chairman Finley made the observation that the courts generally are in another area of the city surrounding the Supreme Court and the District Court near Sixth and Pennsylvania Avenue, and that this would seem to be the logical place for future courts to go. However, he said that he had accepted the fact that the Court of Claims and the Customs Court will be erected on Lafayette Square. Insofar as the Tax Court was concerned, he saw no reason why it had to be on the Square too; that the Court had been functioning well where it was in the Internal Revenue Building, and should probably remain there.

Mr. Floete asked the Commission if, assuming that a two-court building were placed on the site, it would be best to build a separate building and take no further consideration of the Treasury Annex; and, if so, what the effect of this scheme would be esthetically and architecturally.

Mr. Wallace Harrison answered that he had faced the problem of dealing with existing structures like the Treasury Annex on two occasions. First in connection with the building of Rockefeller Center, in New York City, where a comparatively new 16-story building existed on the corner of 49th Street and Fifth Avenue. After much deliberation, Mr. Rockefeller ordered that the whole building be torn down, so that Rockefeller Center could be built as a whole unit. Mr. Harrison said that he was convinced that the success of the plan is largely due to the decision to tear down the 16-story building, thereby permitting a unified front on Fifth Avenue.

The second instance that he cited was in connection with the choice of a site for the United Nations Building, where the New York City Housing Commission had under construction at the time, a new building costing over a million dollars. In that case the decision was made to leave the building, but today the building is finally being demolished.

It was Mr. Harrison's opinion that the Treasury Annex building is third-rate in comparison to the White House and the Treasury Building. He said that in his opinion, the first consideration should be, not the cost, but an answer to the question: "what is going to make this Square the finest square that, esthetically, we can possibly do under any considerations?"

Mr. Walker agreed with Mr. Harrison's appraisal of the merits of the Treasury Annex building. He said that he thought that, if the two-court building would add some more green areas, or permit a little more elegance of design, the two-court scheme would appeal to him more than the three-court plan. He said that regardless of what is done that the Treasury Annex should be thought of as part of the design and re-evaluation made of its appearance.

Mr. Floete explained that the General Services Administration had approval from Congress to build a two-court building for about six and a half million dollars, and that unless a separate two-court building

was built the General Services Administration would have to return to Congress and get authorization and an appropriation to build a three-court building and to resurface the Treasury Annex. The members of the Commission suggested as a possibility the construction of a two-court building with the desired type of architecture up to the Treasury Annex and stop. They suggested that the entire east side of Lafayette Square should be designed as one entire concept, the two-court building built, and then Congress should be approached for additional funds to complete the plan as it relates to the Treasury Annex.

The members of the Commission were asked to express their ideas concerning the height that the court building should have. The architect members of the Commission stated that the building should not be any higher than the height of the cornice line of the Treasury Building, which is 80 feet. They suggested that a building higher than 80 feet would create an entirely difference scale, which would overpower the Treasury Building and the White House.

The comment was made that practically all of the other buildings on Lafayette Square have a setback from the street and that the proportion of the relationship between the new building and the Treasury Annex, and between the new building and the balance of the Square would be improved if the new building had a setback also.

After further discussion the members of the Commission concluded that no resolution on the problem presented by the General Services Administration should be taken until after the joint-meeting with the National Capital Planning Commission, scheduled for 2:00 P.M. that day. The members however, were unanimous in their opinion that a three-court building was not feasible; that an over-all design for both the east and west sides of the Square should be prepared, and that the existing height or cornice line of 80 feet should be preserved in the design of the new two-court building.

At 12:45 pm, the meeting was adjourned and the members went to lunch.

Joint Meeting with the National Capital Planning Commission

At 2:00 pm the Commission of Fine Arts met in the conference room of the National Capital Planning Commission for a joint meeting with that Agency on the project for erecting a United States Court Building on the east side of Lafayette Square which had been presented to the Commission at its morning Executive Session.

Mr. Franklin Floete and Mr. Henry R. Shepley repeated their presentation of the problem of a two or three-court building for the benefit of the Planning Commission members.

The staff of the Planning Commission then showed the members of both Commissions colored slides of Lafayette Square from all angles of approach, and Mr. Morton Hoppenfeld, staff civic designer for the Planning Commission, explained his concept of the problem presented. Mr. Alexander C. Robinson, a member of the Planning Commission, stated that he had been informed that the existing 80 foot zoning height of the Treasury Annex building applied only to Pennsylvania Avenue and did not exist along Madison Place and, therefore, the new building could be built at any desired height and was not limited to 80 feet.

Chairman Finley of the Commission of Fine Arts called upon the various members of his Commission to state their opinions as to the feasibility of a three-court structure. Each member thereupon expressed his opinion based upon the discussion which had taken place during the executive meeting of the Commission of Fine Arts that morning.

Chairman Woodruff of the Planning Commission then requested an expression of opinion from the members of the Planning Commission. The members of the Planning Commission were in complete agreement with the Commission of Fine Arts that a three-court building on the site was not feasible and that both Commissions should recommend to Congress that only a two-court building be constructed on the site. It was assumed that having agreed that a three-court building was not feasible, the concept of a structure higher than 80 feet was eliminated from the plans as unnecessary.

Both Commissions thereupon unanimously adopted a resolution that a three-court building on the east side of Lafayette Square was not feasible in their opinion, after which the joint meeting was adjourned.

The Chairman instructed the Secretary to prepare a letter to the Administrator of the General Services Administration announcing the opinion of the Commission of Fine Arts on the problem. EXHIBIT A

RFW: [signature]

2 Aug 1962

Shepley (Kilgley?)
Dean (Tallie?)

Finley
Hansen
Raymond - at 11:20

MEETING OF THE COMMISSION OF FINE ARTS
September 8, 1960
10:00 A. M.
ORDER OF BUSINESS

- 10:00 am Convene in special executive session for consideration of preliminary studies to develop east side of Lafayette Square for a building to house the United States Court of Claims, the United States Tax Court, and, if practicable, the United States Court of Customs and Patent Appeals. The place of Mr. William G. Perry will be taken for this project by Mr. Wallace Harrison former architect member of the Commission. Mr. Perry's architectural firm being involved in the design of the project.
- 10:05 am Confer in executive session with the Administrator of the General Services Administration, Mr. Franklin Floete, members of his staff and the architects. The fundamentals of the problem will be discussed, preliminary joint executive session with the National Capital Planning Commission at 2:00 pm.
- 12:15 pm Discussion of legal action by State Department architects to recompense for loss of time alleged to have been caused by the slowness of the Commission of Fine Arts in acting on designs.
- 12:30 pm Recess
- 1:00 pm Lunch. Secretary's Dining Room, Department of the Interior
- 2:00 pm Convene in the Conference Room of National Capital Planning Commission, Room 7112, Interior Department Building, for joint consideration of preliminary studies to house the above noted courts on the east side of Lafayette Square.
- 4:00 pm Reconvene Room 7000, if necessary for further discussion of problem.

Adjourn

9 September 1960

Dear Mr. Floete:

I am writing to verify the action taken by the Commission of Fine Arts at a joint meeting held on September 8, 1960, with yourself and the National Capital Planning Commission, to consider preliminary plans for developing a building on the east side of Lafayette Square, north of the existing Treasury Annex, to house certain United States Courts.

The members of the Commission of Fine Arts found that it would not be feasible to house more than two courts on the site and recommended the sketch designs begin on this basis. The Commission, however, wishes to express again to you its strong belief that any building erected on that site should be kept as low in height as practicable, and in any event, no higher than the cornice and parapet height of the existing Treasury Annex building which it must adjoin.

We will be glad to confer with you at a mutually convenient time in regard to your further plans for the two-court building as they are developed. Thank you again for your interest in attending our executive session yesterday morning, before our joint meeting with the National Capital Planning Commission.

For the Commission of Fine Arts:

Sincerely yours,

David E. Finley
Chairman

Honorable Franklin Floete
Administrator
General Services Administration
Washington 25, D. C.

DM/LRW/s/b/1

cc-Director, Bureau of the Budget
Mr. Broadbent, Bur. of Bud.
Chairman, Nat'l. Cap. Plann. Comm.

EXHIBIT A

CHAPTER I

THE HISTORY OF

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME. BY JAMES M. SMITH, ESQ. OF NEW-YORK.

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